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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 30th September 2004

No.8573–li/1(B)-65/2001-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 8th September 2004 in Industrial Dispute Case No.24/01 of the Presiding Officer, Industrial Tribunal, Bhubaneswar to whom the industrial disputes between the management of M/s. Orissa Drugs & Chemicals Ltd., Bhubaneswar and its workman represented through OD & CL Union, Bhubaneswar was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

INDUSTRIAL DISPUTE CASE NO. 24 OF 2001

Dated the 8th September 2004

Present :

Shri A. K. Samantaray, O.S.J.S. (Sr. Branch)
Presiding Officer, Industrial Tribunal
Bhubaneswar.

Between :

The Management of M/s. Orissa Drugs & Chemicals Ltd., Bhubaneswar.	First Party—Management
And	
Their workmen represented through Orissa Drugs & Chemicals Ltd. Employees Union, Bhubaneswar.	Second Party—Workmen

Appearances :

For the First Party—Management	..	None
For the Second Party—Workmen	..	Shri D. K. Patra, General Secretary of the ODCL Employees' Union

AWARD

The Government of Orissa in the Labour & Employment Department in exercise of powers conferred upon them by sub-section (5) of Section 12, read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No.15376–li/1(B)-65/2001-L.E., dated the 2nd November 2001:

“Whether the demand of the Orissa Drugs and Chemicals Employees’ Union regarding payment of wages during the strike period from the 8th June 2001 to the 12th June 2001 and during the lockout period with effect from the 13th June 2001 to the 25th June 2001 is legal and/or justified ?”

2. The case of the second party workmen, represented through the O. D. C. L. Employees’ Union in brief is that on a false allegation of the employer that the second party workmen had resorted to strike with effect from the 8th June 2000 at 7-30 a. m., the D. L. O , Khurda initiated a conciliation proceeding and asked the Union to submit its views in the matter and during pendency of the said proceeding before the D. L. O., Khurda the employer declared lock-out of the company on the 13th June 2000 and thereby contravened the provisions of Section 22 (2) (d) of the Industrial Disputes Act. It is further alleged by the second party union that the first party management in the matter of declaring lock-out has also violated the provisions of Section 22 (2) (b) of the Industrial Disputes Act, inasmuch as, the management without waiting for the minimum period, as stipulated in the Act, declared lock-out of the company all of a sudden on the 13th June 2000. It is pleaded in the claim statement that in a deliberate attempt to deprive the workers of their legitimate dues and to harass the workers during the Raja Festival, with the aim to create industrial disharmony, the first party started making false allegations against the workers from the 8th June 2000 onwards and declared lock-out on the 13th June 2000, a day before Raja Festival, which continued up to the 25th June 2000 and was ultimately lifted on the 26th June 2000 on the intervention of the State Labour Authorities. It is further alleged in the statement of claim of the second party Union that although the company was locked out from the 13th June 2000 to the 25th June 2000 but the Officers and Supervisors have been paid their salary for the above period whereas the wages of the workers have been withheld for the period from the 8th June 2000 to 25th June 2000. The second party union in the premises therefore, has prayed to answer the reference by declaring the lock-out to be illegal and directing the employer to pay full wages the the workers for the period from the 8th June 2000 to the 25th June 2000.

3. Despite notice, the first party management did not file written statement nor did it appear on the date of hearing for which it was set *ex parte* vide Order No. 36, dated the 23rd August 2004.

4. In the *ex parte* hearing, the second party Union filed the affidavit evidence of Shri Dinesh Kumar Patra, the General Secretary of the Orissa Drugs & Chemicals Employees’ Union and filed 13 numbers of documents, which have been annexed to the affidavit, Annexure 1 to 13.

5. On an examination of the unchallenged evidence of Shri D. K. Patra and the documentary evidence which have been made annexures to the affidavit evidence, I find that the stands taken in the claim statement of the second party Union are well substantiated through Shri D. K. Patra, the General Secretary of the Union and in absence of any rebuttal evidence that consequent to the strike of the workmen, the management clamped lock-out of the factory with effect from the 13th June 2001, I hold that the demand of the second party Union regarding payment of wages from the 8th June 2001 till the 25th June 2001 is legal as well as justified one.

The reference is answered accordingly.

Dictated and corrected by me.

A. K. SAMANTARAY
8-9-2004
Presiding Officer
Industrial Tribunal
Bhubaneswar

A. K. SAMANTARAY
8-9-2004
Presiding Officer
Industrial Tribunal
Bhubaneswar

By order of the Governor

D. MISHRA

Under-Secretary to Government